

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MOOG INC.,

Plaintiff,

v.

Case No.: 22-cv-187

SKYRYSE, INC., ROBERT ALIN  
PILKINGTON, MISOOK KIM, and DOES NOS.  
1-50,

Defendants.

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**DECLARATION OF MICHAEL HUNTER**

MICHAEL HUNTER, under penalty of perjury and pursuant to 28 U.S.C. § 1746,  
declares the following to be true and correct:

**I. Background**

1. My name is Michael Hunter. I provide this declaration in support of Moog Inc.’s Opposition to defendant Skyrise, Inc.’s Motion to Compel Production of Documents. I am over the age of 18 years old. The matters set forth herein are based on my personal knowledge, as well as my review of the books and records of Moog and my conversations with other employees at Moog. If called as a witness, I could and would competently testify as to all facts set forth herein.

2. I graduated from Utah State University in 1996, receiving a Bachelor’s of Science degree in Electrical Engineering with a Computer Science minor.

3. I have worked at Moog Inc. (“Moog”) since 2000. My entire time at Moog, I have worked in the software group. Initially, I was a flight software developer living in Salt Lake City, Utah. I progressed to lead. I then became software manager over the Salt Lake and

Torrance software groups. In 2013, I moved to Buffalo, New York and became the Software Manager for the East Aurora Software Group. From 2016 through 2019, I served as Chief Software Engineer. Since 2019, I have served as Moog's Software Senior Manager.

4. My duties as Software Senior Manager include managing 100 software engineers. I have 5 software managers that report to me directly and 2 indirectly in India. I am responsible for the software at 6 Moog sites. As software senior manager, I am responsible for the software group's execution on programs, the software employees and the budget for software in the aircraft group. Throughout my tenure at Moog, I have worked on the development of Moog's flight control software and project-specific applications.

## **II. Moog's Platform and Flight Control Software**

5. Moog designs and manufactures the most advanced motion control products for aerospace, defense, industrial and medical applications – applications where precise control of velocity, force, acceleration and fluid flow are critical. Their motion control portfolio includes all forms of actuation technology, sophisticated control electronics and system software. Moog is a leading integrator of precision motion control systems.

6. As part of its motion control product portfolio, Moog develops software that governs flight controls for airplanes and other aircrafts, including helicopters. I have been involved in the development, testing, and certification of Moog's flight control software and applications since joining Moog in 2000.

7. Essentially, Moog develops software that pairs up with the hardware computer contained in aircraft. Moog's flight control software reads pilot and avionics inputs to control the motion of the aircraft. For example, when a pilot moves a control in the cockpit, Moog's software reads the control and moves the particular control surface of the airplane to the correct

position. In short, Moog's flight control software works in tandem with an aircraft's avionics computer to control its flight functionality.

8. Moog's base flight control software is called Platform. Platform is in essence the "operating system" that our flight control computers use, similar to Windows or Mac OS for a standard home computer. On top of the base operating system, applications specific to the particular aircraft involved are built and sit on top of the Platform base operating system to tailor its functionality to the particular aircraft. This is akin to downloading a program or application and running it on a Windows or Mac OS operating system on a standard computer. The particular application provides a specific use, but the underlying operating system allows the entire system and machine to work.

9. Over the past 15 years, Moog has developed three major branches of the Platform base flight control operating system software: one for commercial aircrafts, one for military use (called "eRTOS"), and one for motor applications (called "AMP"). I was involved in the development and construction of the Platform base software for commercial programs. I, along with Todd Schmidt, were the managers of the programs that created eRTOS, AMP, and the project-specific applications related to eRTOS and AMP.

### **III. Skyryse's RFPs Nos. 5 and 15**

10. I understand that Skyryse's Motion to Compel includes its requests for production of documents ("RFPs") Nos. 5 and 15. My understanding is that RFP No. 5, as further narrowed by Skyryse, is as follows: "All Documents and Communications relating to any confidentiality obligations owed to You by Your employees, Your customers, and/or Your suppliers regarding Your alleged Trade Secrets, including, without limitation, Your efforts to investigate compliance with, and enforcement of, those confidentiality obligations."

11. My understanding is that Skyryse's RFP No. 15 is as follows: "All Documents relating to Your efforts to maintain the secrecy of the alleged Trade Secrets, including without limitation (i) Documents sufficient to identify all Persons who have accessed the alleged Trade Secrets; and (ii) Documents sufficient to show the confidentiality obligations of each such Person to You."

12. My understanding is that in response to Skyryse's RFP Nos. 5 and 15, Moog has already produced several categories of documents, and has produced documents regarding confidentiality obligations by the former Moog employees who later became employed by Skyryse.

13. Based on my employment at Moog since 2000 as well as my review of Moog's internal business and employment records and process, producing all documents responsive to Skyryse's RFPs Nos. 5 and 15 as currently proposed (i.e., producing every single document that relates in any way to confidentiality obligations owed by Moog's employees, customers, and suppliers to Moog regarding the trade secrets at issue in this case) would be extraordinarily burdensome and time-intensive.

14. Moog's Teamcenter database holds many types of proprietary information regarding the flight control software and programs at issue in this case, including electrical schematics, actuator schematics, and other types of proprietary technical documents. There are currently approximately 4,000 Teamcenter users for Moog employees just in the United States alone. Going back to 2007 when Moog started building its flight control software, based on my review of Moog's internal business records and processes, as well as discussions with other Moog employees, the number of total Teamcenter users would likely be an additional approximately 1,000-2,000.

15. Similarly, Moog's Jira and Subversion repositories store the flight control software, source code, software artifacts, and related documents for each of Moog's flight control programs at issue in this case. There are approximately 3,300 current Moog employees who have access to Jira and Subversion. Going back to 2007, based on my review of Moog's internal business records and processes, as well as discussing with other Moog employees, the number is closer to approximately 3,800 users. These users likely overlap with the users who have access to Teamcenter.

16. Based on my personal knowledge, review of Moog's internal business records and processes, as well as discussions with other Moog employees, in order to produce all documents responsive to Skyryse's RFPs Nos. 5 and 15, Moog would have to search for and collect the following categories of documents for each the approximately 4,000-6,000 current and former employees who have had access to Moog's Teamcenter, Jira, and Subversion repositories (with some of these records dating back to 2007):

- All confidentiality agreements and non-disclosure agreements;
- All signed confirmations of receipt of Moog's employee handbooks;
- All records and logs of completed trade secret and other intellectual property trainings;
- All records of when each of these employees were granted access to Jira, Subversion, and Teamcenter, and when such access stopped;
- All program-specific confidentiality agreements/non-disclosure agreements (for example, Moog has already produced spreadsheets showing all individuals who have been given access to Moog's Sensitive Government Programs 1 and 2, totaling over 750 employees);

- All documents related to requests and approval for each employee to have access to Moog's systems and networks;
- All documents related to requests and approval for each employee to have access to Moog's Teamcenter database; and
- All documents related to requests and approval for each employee to have access to Moog's Jira and Subversion repositories.

In sum, Moog would be required to search for and collect up to 8 different categories of documents each for approximately 4,000-6,000 employees going back to 2007.

17. In connection with RFP No. 5, Skyrise is also seeking all documents related to any confidentiality obligations owed by Moog's customers to Moog regarding the trade secrets at issue in this case. Based on my review of Moog's internal business records and processes, as well as discussions with other Moog employees, I understand there are approximately 20 Moog customers implicated by this request. Based on my review of Moog's internal business records and processes, as well as discussions with other Moog employees, I understand Moog has multiple contracts with confidentiality provisions and multiple non-disclosure agreements with each of these customers related to the flight programs at issue in this case. Many if not all of these contracts also require customer approval before disclosure of the contracts at issue. Thus, in order to respond to Skyrise's RFP No. 5 as proposed, Moog would have to search for and collect several dozen if not hundreds of customer contracts and non-disclosure agreements (as well as communications underlying those agreements), and get customer approval for disclosure.

18. In connection with RFP No. 5, Skyrise is also seeking all documents related to any confidentiality obligations owed by Moog's suppliers to Moog regarding the trade secrets at issue in this case. Based on my review of Moog's internal business records and processes, as

well as discussions with other Moog employees, I understand there are approximately 995 Moog suppliers implicated by this request. Based on my review of Moog's internal business records and processes, as well as discussions with other Moog employees, I understand Moog has multiple contracts with confidentiality provisions and multiple non-disclosure agreements with several of its suppliers related to the flight programs at issue in this case. Many if not all of these suppliers also require customer approval before disclosure of the contracts at issue. In order to respond to Skyrise's RFP No. 5 as proposed, Moog would have to search for and collect likely over 1,000 supplier contracts and non-disclosure agreements (as well as communications underlying those agreements), and get supplier approval for disclosure.

Dated: July 11, 2022

*Michael Hunter*

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Michael Hunter